

**DISTRICT OF COLUMBIA
OFFICE ON AGING**

NOTICE OF FUNDING AVAILABILITY

Fiscal Year 2010 Senior Wellness Center Operations Grants

The Government of the District of Columbia, Office on Aging is soliciting applications from qualified applicants to operate four District of Columbia Government-owned senior wellness centers. Senior wellness centers promote healthy lifestyles, good nutrition, exercise, and general wellness among the District's elderly population, aged 60 and above.

A total of \$1,270,401.00 is available for funding one to four applicants to operate one or more senior wellness centers in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

Specifically, this Request for Application (RFA) will seek organizations to operate senior wellness centers in the following Ward locations.

Ward 4 – Hattie Holmes Senior Wellness Center
324 Kennedy Street N.W.
Washington D.C. 20011

Ward 5 – Model Cities Senior Wellness Center
1901 Evarts Street, NE
Washington, D.C. 20018

Ward 7 – Washington Senior Wellness Center
3001 Alabama Avenue, SE
Washington, DC 20020

Ward 8 – Congress Heights Senior Wellness Center
3500 Martin Luther King Jr. Avenue
Washington, D.C. 20032

The successful organization(s) will be responsible for providing services and activities designed to enhance physical, social and emotional well-being through activities which are designed to promote good health habits among the target population such as physical exercise, nutrition counseling, health education and smoking cessation.

Services for this population should include:

- Wellness/Health Promotion;
- Disease Prevention;
- Medication Management; and

other services and information which promote healthy lifestyles for seniors.

In addition, the operator of the senior wellness center has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the Office on Aging Ward-based Lead Agency and the Aging and Disability Resource Center (ADRC);
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system and community outreach.

Applicants who apply to this RFA must design services to meet the complex and ever-changing needs of the city's diverse elderly population, especially older individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Friday, June 19, 2009 and the deadline for submission is Friday, July 24, 2009 at 5:00 p.m. A Pre-Application Conference will be held on Tuesday, June 30, 2009 from 10:00 a.m. -12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than June 26, 2009.

**OFFICE OF THE MAYOR
OFFICE ON AGING**

PUBLIC NOTICE

Fiscal Year 2010 Lead Agency Grant Program

The Government of the District of Columbia, Office on Aging (DCOA) is soliciting applications from qualified applicants to provide a full array of services and activities that are designed to enhance the overall health and well-being of the District's elderly population, aged 60 and above.

Funding is available in the amount of \$4,712,599.00 for one to eight applicants to serve one or more Wards in the District of Columbia. Funding has been provided to the Office on Aging from both Federal and District appropriated funds.

The purpose of these funds is to complement existing educational services and start up programs that target the senior population living in the District of Columbia. Examples of the service areas include, but are not limited to the following:

- case assessment/case management;
- congregate meals;
- counseling;
- health promotion;
- home delivered meals;
- nutrition counseling;
- nutrition education
- recreation socialization;
- transportation of home delivered meals;
- transportation to site and activities;
- weekend congregate meals; and
- weekend home delivered meal service.

In addition, the operator of the Lead Agency has the following responsibilities:

1. Develop and implement a needs assessment to identify the needs in the target community;
2. Work in cooperation with the city's Aging and Disability Resource Center;
3. Develop and implement a structured community outreach program; and
4. Establish a Members Advisory Council to serve as advisors to help develop a coordinated service delivery system.

Applicants who apply to this Request for Application must design services to meet the complex and ever-changing needs of the elderly individuals with the greatest economic and/or social needs, with particular emphasis on the low-income minority elderly. In addition, an applicant may apply for multiple grants in separate applications under this RFA.

Nonprofit organizations with places of business within the physical boundaries of the District of Columbia are eligible to apply. For Profit organizations with places of business within the physical boundaries of the District of Columbia are also eligible to apply, but must not include profit in their grant application.

The RFA will be released on Friday, June 19, 2009 and the deadline for submission is Wednesday, July 29, 2009 at 5:00 p.m. A Pre-Application Conference will be held on Thursday, July 1, 2009 from 10:00 a.m. - 12:00 noon at the D.C. Office on Aging, Conference Room 950 South. Applications can be obtained from the D.C. Office on Aging, 441 4th Street, NW, Suite 900 South, Washington, DC 20001. The RFA will also be available on the Office on Aging's website, www.dcoa.dc.gov and on the Office of Partnerships and Grants Development's website, www.opgd.dc.gov no later than Friday, June 26, 2009.

**EXECUTIVE OFFICE OF THE MAYOR
OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**

NOTICE OF FUNDING AVAILABILITY

Community Grant

Background Information on the grant:

The Mayor's Office on Asian and Pacific Islander Affairs (OAPIA) is soliciting grant applications from qualified community-based organizations (CBOs) serving the District's Asian and Pacific Islander (API) community for its FY 2010 Asian and Pacific Islander Community Grant. The grant is intended to fund programs that provide services to the District's API residents and/or merchants in the areas of health, education, housing, legal, public safety, business, and employment.

Amount of grant funds available and number of awards:

OAPIA expects to award up to 12 grants. Eligible CBOs can be funded up to \$60,000. CBOs, which collaborate with other organizations on a program(s), can be funded up to \$80,000.

Eligible organizations and entities:

Applicants must meet all of the following conditions:

- Is a nonprofit – 501(c)3 – organization
- Serves primarily API residents and/or merchants
- Program is located in the District of Columbia
- Has an operational budget of \$1,000,000 or less per year

Program scope:

Focus of the grant will be to provide culturally and linguistically appropriate health, education, housing, legal, public safety, business, and employment services to the District's API residents and merchants.

Release Date of RFA: Monday, June 29, 2009

Deadline for Submission: Wednesday, July 29, 2009 at 12:00 pm

441 4th Street, NW **Suite 721 North**
Washington, DC 20001

Contact Names: Dory Peters, OAPIA, (202) 727-3120, dory.peters@dc.gov

THE CESAR CHAVEZ PUBLIC CHARTER SCHOOLS FOR PUBLIC POLICY
SOLICITATION FOR PROPOSALS

Comprehensive, Coordinated, School-based Services To Students and Their Families

The Cesar Chavez Public Charter Schools for Public Policy, in accordance with section 2204 (c) (1) (A) of the DC School Reform Act of 1995 (Public Law 104-134), hereby solicits proposals for Comprehensive, Coordinated, School-based Services To Students and Their Families for our school renovation project.

All necessary forms and a full RFP may be obtained by calling 202-547-3975 ext. 10.

The Cesar Chavez Public Charter Schools will receive bids from May 1, 2009 to COB May 8, 2009. Send Proposals to:

Attn: David Robinson
709 12th Street, SE
Washington, D.C. 20003.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST**Raze permit applications**

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

Application Date	Address	Lot	Square	Use
June 2, 2009	5220 Sherier Place, NW	88	1415	2 story single family development
June 3, 2009	4 D.C. Village Lane, SW	1	6264	1 story warehouse

For further information, please contact Mr. Joseph Bembry at the Permit Operations Division via email at Joseph.Bembry@dcra.gov or Ms. Cheryl Randall Thomas, Manager of the Permit Center, at (202) 442-4534.

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

**Certification of Filling Vacancies
In Advisory Neighborhood Commissions**

Pursuant to D.C. Official Code §1-309.06(d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics “Board” from the affected Advisory Neighborhood Commission, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Steve Leraris
Single-Member District 4C04

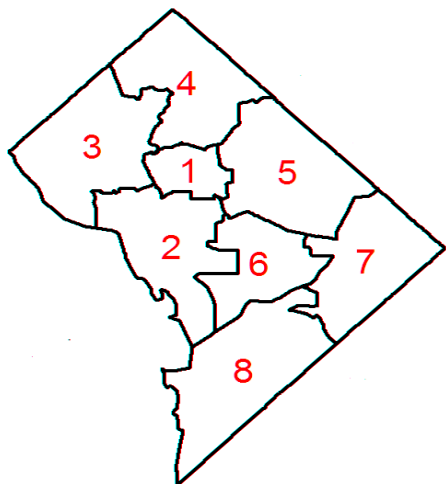
D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

CITYWIDE SUMMARY

Party Totals and Percentages by Ward for the period ending May 31, 2009

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	35,396	2,604	800	9,736	202	48,738
2	28,580	5,434	337	9,524	171	44,046
3	34,243	7,792	356	10,115	155	52,661
4	46,432	2,724	602	8,529	181	58,468
5	45,829	2,013	568	7,130	170	55,710
6	38,030	5,043	502	8,375	171	52,121
7	45,336	1,511	467	6,344	125	53,783
8	37,222	1,373	496	6,188	128	45,407
TOTALS	311,068	28,494	4,128	65,941	1,303	410,934
TOTAL Percentage (by party)	75%	6%	1%	16%	1%	100%

Wards



**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 1

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	1,255	44	14	312	11	1,636
22	2,743	244	38	689	14	3,728
23	1,907	126	61	525	9	2,628
24	2,043	213	30	578	16	2,880
25	3,410	413	75	980	8	4,886
35	2,876	203	64	819	13	3,975
36	3,328	230	75	893	21	4,547
37	2,381	129	50	587	12	3,159
38	2,275	119	66	589	17	3,066
39	3,229	221	98	875	22	4,445
40	3,124	218	98	969	19	4,428
41	2,452	149	58	842	19	3,520
42	1,461	56	32	396	7	1,952
43	1,412	76	26	293	6	1,813
136	777	124	8	232	2	1,143
137	723	39	7	157	6	932
TOTALS	35,396	2604	800	9736	202	48,738

*D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS*

<i>PRECINCT STATISTICS</i>

Ward 2

For the Period Ending: May 31, 2009

<i>PRECINCT</i>	<i>DEM</i>	<i>REP</i>	<i>STG</i>	<i>N-P</i>	<i>OTH</i>	<i>TOTALS</i>
2	406	122	5	248	7	788
3	1,238	399	8	539	8	2,192
4	1,266	397	7	559	7	2,236
5	2,092	720	21	780	9	3,622
6	2,484	1,147	38	1,478	22	5,169
13	1,182	260	5	414	3	1,864
14	2,532	406	31	816	11	3,796
15	2,750	289	24	783	19	3,865
16	2,691	344	32	636	13	3,716
17	3,741	569	46	1,149	39	5,544
18	3,156	193	53	684	11	4,097
21	1,323	90	26	287	6	1,732
129	1,745	295	17	625	5	2,687
141	1,974	203	24	526	11	2,738
TOTALS	28,580	5,434	337	9,524	171	44,046

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 3

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	1,065	399	16	454	4	1,938
8	2,221	717	26	695	9	3,668
9	1,047	591	7	398	6	2,049
10	1,866	563	17	672	5	3,123
11	3,201	856	39	1,251	22	5,369
12	490	204	3	195	5	897
26	2,553	401	31	780	11	3,776
27	2,305	288	20	501	8	3,122
28	2,382	735	32	872	14	4,035
29	1,287	287	15	388	5	1,982
30	1,257	306	16	277	5	1,861
31	2,273	426	18	574	9	3,300
32	2,593	447	24	602	12	3,678
33	2,721	391	36	699	11	3,858
34	3,064	501	25	918	17	4,525
50	1,949	319	13	398	11	2,690
138	1,969	361	18	441	1	2,790
TOTALS	34,243	7,792	356	10,115	155	52,661

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 4

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	2,104	90	40	364	11	2,609
46	2,938	107	33	525	14	3,617
47	2,593	171	42	668	18	3,492
48	2,700	155	42	518	10	3,425
49	690	35	18	167	2	912
51	3,118	618	32	628	7	4,403
52	1,256	297	4	257	2	1,816
53	1,149	89	15	256	4	1,513
54	2,243	116	36	448	9	2,852
55	2,633	96	35	411	14	3,189
56	3,005	103	34	639	16	3,797
57	2,521	90	31	439	16	3,097
58	2,245	63	31	358	5	2,702
59	2,571	101	31	387	10	3,100
60	1,951	88	23	645	7	2,714
61	1,594	62	21	282	3	1,962
62	3,152	174	37	373	7	3,743
63	3,001	118	58	531	11	3,719
64	2,292	68	15	300	8	2,683
65	2,676	83	24	333	7	3,123
TOTALS	46,432	2,724	602	8,529	181	58,468

D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS

PRECINCT STATISTICS

Ward 5

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
19	3,258	167	56	658	14	4,153
44	2,658	242	38	551	17	3,506
66	4,502	137	36	474	17	5,166
67	2,961	118	25	369	11	3,484
68	1,828	149	29	346	6	2,358
69	2,164	82	12	254	11	2,523
70	1,521	78	21	247	5	1,872
71	2,433	79	33	351	9	2,905
72	4,076	127	31	624	12	4,870
73	1,862	109	31	314	8	2,324
74	3,655	171	54	642	8	4,530
75	2,577	99	47	485	10	3,218
76	881	50	12	177	2	1,122
77	2,648	94	35	404	11	3,192
78	2,433	61	24	372	6	2,896
79	1,794	57	23	270	5	2,149
135	2,524	145	44	404	15	3,132
139	2,054	48	17	188	3	2,310
TOTALS	45,829	2,013	568	7,130	170	55,710

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 6

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
1	2,414	123	40	507	8	3,092
81	4,085	282	52	682	16	5,117
82	2,136	192	21	414	11	2,774
83	2,630	188	31	487	13	3,349
84	1,768	368	29	425	7	2,597
85	2,411	520	24	572	9	3,536
86	1,923	254	30	410	7	2,624
87	2,583	201	32	445	16	3,277
88	1,841	298	22	365	3	2,529
89	2,264	638	29	620	9	3,560
90	1,364	254	13	338	10	1,979
91	3,383	305	48	702	12	4,450
127	3,432	269	60	722	16	4,499
128	1,696	173	21	458	7	2,355
130	703	307	11	247	2	1,270
131	443	73	3	102	4	625
142	1,110	163	11	266	8	1,558
143	1,844	435	25	613	13	2,930
TOTALS	38,030	5,043	502	8,375	171	52,121

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 7

For the Period Ending: May 31,

2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
80	1,292	57	12	205	6	1,572
92	1,509	55	16	228	9	1,817
93	1,373	48	14	213	6	1,654
94	1,813	70	17	216	2	2,118
95	1,538	52	22	256	2	1,870
96	2,106	72	29	321	3	2,531
97	1,241	47	15	183	4	1,490
98	1,740	55	21	226	8	2,050
99	1,308	46	13	213	6	1,586
100	1,679	49	17	250	2	1,997
101	1,602	43	18	174	5	1,842
102	2,210	62	22	281	7	2,582
103	3,246	100	30	502	13	3,891
104	2,347	71	30	339	8	2,795
105	1,988	66	25	274	5	2,358
106	2,911	92	27	400	5	3,435
107	1,567	56	17	239	2	1,881
108	1,147	45	7	123	2	1,324
109	996	38	5	99	1	1,139
110	3,803	135	39	451	12	4,440
111	2,071	55	29	351	6	2,512
112	1,861	60	15	242	4	2,182
113	2,078	61	12	260	6	2,417
132	1,910	76	15	298	1	2,300
TOTALS	45,336	1,511	467	6,344	125	53,783

**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**

PRECINCT STATISTICS

Ward 8

For the Period Ending: May 31, 2009

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
114	2,741	102	38	478	21	3,380
115	2,468	90	30	534	6	3,128
116	3,368	121	45	560	11	4,105
117	1,362	50	11	227	4	1,654
118	2,311	87	38	351	4	2,791
119	2,390	127	45	453	8	3,023
120	1,414	39	11	272	3	1,739
121	2,892	97	46	493	5	3,533
122	1,665	43	24	251	4	1,987
123	2,086	119	33	379	6	2,623
124	2,297	63	29	330	4	2,723
125	3,797	121	44	568	15	4,545
126	3,279	148	38	597	18	4,080
133	1,337	43	12	172	6	1,570
134	1,990	60	31	258	7	2,346
140	1,825	63	21	265	6	2,180
TOTALS	37,222	1,373	496	6,188	128	45,407

DISTRICT DEPARTMENT OF THE ENVIRONMENT**FISCAL YEAR 2008****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 230 kW Generac series emergency generator at the National Zoological Park, Elephant House Building NW, Washington, D.C.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after July 20th, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**FISCAL YEAR 2008****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 200 kW Katolight series emergency generator at the National Zoological Park, Sloth Bear Building NW, Washington, D.C.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after July 20th, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2008

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 200 kW Generac series emergency generator at the National Zoological Park, Panda Building NW, Washington, D.C.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after July 20th, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**FISCAL YEAR 2008****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to operate one (1) 60 kW QSBB5 series emergency generator at the Fort Lesley J. McNair Ceremonial Gate, 4th and P Streets, SW Washington, D.C.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after July 20th, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**FISCAL YEAR 2008****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 51 N Street, NE., Washington, D.C., intends to issue a permit to construct and operate one (1) 100 kW emergency generator to supply power to the fire suppression pump at Building T-2 on the Main Post located at Walter Reed Army Medical Center, Washington, DC.

The application to construct/operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
51 N Street, NE
Washington D.C. 20002

No written comments postmarked after July 20th, 2009 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

**DEPARTMENT OF HEALTH
COMMUNITY HEALTH ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY
RFA # CHA-RFA-062609
District of Columbia Grant
Primary and Specialty Health Care Services Grant**

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from qualified organizations or consortiums with demonstrated experience in operating community health centers and ambulatory care centers.

These funds will be awarded by the Community Health Administration using local appropriated funds under grant making authority expected to be effective October 1, 2009. Awards are contingent on DOH receiving this authority.

Approximately \$4.2 million in funds will be able to support:

- Provision of health care clinics at government owned or leased facilities
- Provision of specialty care services through an ambulatory care center at a government owned facility

The Request for Applications (RFA) will be released on Friday, June 26, 2009, and the deadline for submission is Friday, July 31, 2009 by 5:00 p.m. Applications may be obtained from the Department of Health, 825 North Capitol St., NE – 3rd Floor Reception Area. The RFA will also be available on the Office of Partnerships and Grant Services website, www.opgs.dc.gov under the District Grants Clearinghouse.

A pre-application meeting will be held on Thursday, July 9, 2009 from 1:00-3:00pm at the Department of Health, Union Square Building, 825 North Capitol Street, NE, 4th Floor Conference Room 4131.

Please contact Charles Nichols at (202) 442-9342 for additional information.

IDEA PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSALS

School Expansion Project
Civil Engineering Design Services

AtSite Real Estate, Inc. a DC based Real Estate Services firm, acting as the Representative for the IDEA Public Charter School is seeking qualified Civil Engineering Design Firms for the IDEA school expansion project.

The competitive Request for Proposals (RFP) will be released on Friday June 12th, 2009.

The RFP package can be obtained by sending an email request to cranno@atsiteres.com .
The deadline for submission is Thursday, June 25th, at 4:00 p.m. E.S.T.

No proposals will be accepted after the deadline.

Mail/Email Proposals to: Attn: Chip Ranno
 Representative for the IDEA Public Charter School
 1667 K Street, NW
 Suite 350
 Washington, DC 20006
 Email: cranno@atsiteres.com

KIPP DC**REQUEST FOR PROPOSALS****Breakfast, Lunch, and Snack Service**

KIPP DC: LEAP, Promise, Discover & College Prep Academies are advertising the opportunity to bid on the delivery of breakfast, lunch, and/or snack meals to children enrolled at the schools for the 2009-2010 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, and Snack meal pattern requirements.

Additional specifications outlined in the Invitation for Bid (IFB) such as; student data, days of service, meal quality, etc. may be obtained from: Irene Holtzman, Director of Student Data and Accountability, KIPP DC, 910 17th Street, NW – Suite 1050, Washington, DC 20006
Telephone: (202) 223-4505. Email: irene.holtzman@kipfdc.org

**NATIONAL COLLEGIATE PREPARATORY PUBLIC CHARTER HIGH SCHOOL
AND ACHIEVEMENT PREPARATORY ACADEMY**

NOTICE OF REQUEST FOR PROPOSALS

Food Vendor Services Project

National Collegiate Preparatory Public Charter High School and Achievement Preparatory Academy, two separate schools located within one building, are jointly soliciting proposals from vendors to provide food services for the 2009-2010 school year to approximately 250 students. The meals must meet federal nutrition requirements and all compliance standards of the USDA School Breakfast Programs and the National School Lunch Program.

Providers must state their credentials, provide appropriate licenses and sample menus in accordance with federal nutritional and serving regulations. No proposal will be considered without an estimated cost.

NOTE: National Collegiate Prep and Achievement Prep are not required to use the same vendors and they may select different food service providers if desired.

The deadline for submission is **Tuesday, June 30, 2009 at 5:00 p.m. E.S.T.** No proposal modifications will be accepted after the deadline.

Copies must be delivered to both schools via mail or electronically to both schools at that the following addresses:

National Collegiate Preparatory PCHS
Main Office, 2701 12th Street, N.E. Suite #1,
Washington, DC 20018
Attn: L Crowder, Staff Associate
lcrowder@nationalprep-pchs.org

Achievement Prep
908 Wahler Place, SE, 2nd Floor
Washington, DC 20032
Attn: Carol Wilson, Business Manager
cwilson@aprepacademy.org

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON DC**REQUEST FOR PROPOSALS****Food Services Management**

The SEED Public Charter School of Washington DC will receive bid proposals from a Food Services Management Company for preparation of 3 meals plus snacks 5 days a week. Bid packets may be picked up from the Director of Campus Operations at the address below.

The deadline for submitting bid proposals is June 26th at 12 noon.

Send your proposal to:

Calvin A. Boozer
Director of Campus Operations
THE SEED PUBLIC CHARTER SCHOOL
of Washington DC
4300 C Street SE
Washington DC 20019
202-248-3006

DISTRICT DEPARTMENT OF TRANSPORTATION**PUBLIC MEETING****TO REQUEST THE U.S. DEPARTMENT OF TRANSPORTATION
TO AUTHORIZE UP TO \$10 MILLION TO THE DISTRICT'S SURFACE
TRANSPORTATION PROGRAM FOR FISCAL YEAR 2009**

**JULY 20, 2009 AT 6:30 PM
6TH FLOOR CONFERENCE ROOM
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W.
WASHINGTON, D.C. 20009**

The District of Columbia, Department of Transportation plans to request that the Secretary of the U.S. Department of Transportation authorize the transfer of up to 100 percent of the District's National Highway System funding for Fiscal Year 2009 (approximately \$53.2 million under P.L. 111-8: Omnibus Appropriations Act, 2009) to the District's Surface Transportation Program. Additional National Highway System funds, up to 100 percent of the full National Highway System allocation, may be transferred after a public hearing and with the approval of the Secretary of Transportation. This transfer of funding will allow the District government to use this portion of federal aid funds for a broader range of transportation needs.

The Department of Transportation will conduct a public meeting to discuss this request and receive public comments on July 20, 2009 at 6:30 PM in the 6th Floor Conference Room at the Frank D. Reeves Municipal Building, 2000 14th Street, NW, Washington, DC 20009.

A brief summary description of this request may be obtained by contacting the Department of Transportation at 671-2542, or may be found at the Department's web site: **www.ddot.dc.gov**.

Persons wishing to testify at the July 20, 2009 public meeting should contact the Department at 671-2542 to register to testify. Oral comments shall be limited to five (5) minutes. Written comments must be received by July 22, 2009.

For further information, contact:

Ms. Karina Ricks
Department of Transportation
2000 14th Street NE, 7th Floor
Washington, DC 20009
202-671-2542

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17846 of Brown Memorial A.M.E. Church, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy provisions under section 403, a variance from the rear yard provisions under section 404, and a variance from the non-conforming structure provisions under 2001.3,¹ to allow the construction of an addition to an existing church in the R-4 District at premises 130 Fourteenth Street, N.E. (Square 1034, Lot 824).

HEARING DATE: November 25, 2008

DECISION DATE: November 25, 2008

DECISION AND ORDER

Brown Memorial A.M.E. Church (the applicant or the Church), the owner of the subject property, filed this application for variance relief on June 27, 2008. Following a public hearing on November 25, 2008, the Board of Zoning Adjustment (the Board) voted to approve the requested relief.

PRELIMINARY MATTERS

Applicant representation The applicant authorized the law firm of O'Malley, Miles, Nylen & Gilmore, P.A. to represent it during the Board proceedings. (Exhibit 9).

Self-Certification The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2 (Exhibit 8 and Exhibit 30, Tab B²).

Notice of Public Hearing

Notice. Pursuant to 11 DCMR 3113.13, notice of the hearing was sent by the Office of Zoning to the applicant, all owners of property within 200 feet of the subject site, Advisory Neighborhood Commission (ANC) 6A, and the District of Columbia Office of Planning (OP).

¹ Although the applicant did not seek relief under subsection 2001.3, the District Office of Planning (OP) suggested that this relief was needed. As will be explained in this Decision, the Board agrees with OP. Therefore, the caption is amended to include this relief.

² The self-certification form filed with the initial application stated that the applicant sought relief from the lot occupancy requirements and rear yard requirements of the Zoning Regulations. (Exhibit 8). Later, the applicant modified the design and filed a supplemental self-certification form which amended the lot occupancy calculations, reducing the proposed lot occupancy from 99% to 81%. (Exhibit 30, Tab B) It should be noted that the modified design affected only the degree of variance relief that was requested; it did not alter the type of relief that was requested.

BZA APPLICATION NO. 17846
PAGE NO. 2

Posting. The applicant claimed that it posted placards at the property regarding the application and public hearing in accordance with 11 DCMR 3113.14 through 3113.20. It also submitted an affidavit to this effect in accordance with 11 DCMR 3113.19 and 3113.20. (Exhibit 33). However, the Board received correspondence from the Capitol Hill Restoration Society which, among other things, stated that the property had not been properly posted. (Exhibit 34). While the applicant maintained that the posting was “adequate,” it requested a waiver of the Board’s posting rules “out of caution”. The Board granted this request after finding that the public had received actual notice of the application and public hearing date.

ANC 6A The subject site is located within the jurisdiction of ANC 6A which is automatically a party to this application. In its report dated November 6, 2008, ANC 6A indicated that at a regularly scheduled monthly meeting with a quorum present, it voted to oppose the application. The ANC cited two general concerns about the project: (1) The application is incomplete because the Church needs relief from the parking requirements and did not seek this relief in its application; and (2) The Church cannot meet its burden of proof to obtain an area variance. The ANC report also cited specific reasons why it believed the three-pronged test for a variance had not been met.

Requests for Party Status There were no requests for party status.

Persons in Support No persons testified in support of the application. However, the Board received several letters in support of the application from nearby property owners. (Exhibit 31). The letters all stated that the proposed addition was necessary in order to fulfill the Church’s mission of providing top-quality services for its parishioners and for the surrounding community.

Persons in Opposition No persons appeared at the hearing to testify in opposition. However, as mentioned above, the Board received a letter in opposition from the Capitol Hill Restoration Society. (Exhibit 34). In addition to challenging the applicant’s posting of the property, the letter stated that the application was so confusing as to be indecipherable, and that the applicant had not made a showing that it could satisfy the variance test.

Government Reports

OP Report OP reviewed the variance application and prepared a report recommending approval of the variance request, adding that the applicant also needed relief under § 2001.3(a)-(b) of the Regulations. (Exhibit 32). OP’s representative, Maxine Brown Roberts, also testified at the public hearing, explaining that the proposed addition would be extending the non-conforming lot occupancy and rear yard at the property. As such, according to Ms. Roberts, additional relief under § 2001.3(a)-(b) is necessary.

Department of Transportation (DDOT) DDOT reviewed the application and also prepared a report recommending approval of the variance request. (Exhibit 36). In its report, DDOT concluded that the proposed addition would not have a significant traffic impact on the neighborhood. DDOT noted that although the addition would “displace” 300 square feet of the

BZA APPLICATION NO. 17846
PAGE NO. 3

existing parking lot, the applicant planned to provide one off-street parking space within five blocks of the property. This off-site parking would satisfy the applicant's parking requirements under § 2116.3, which allows a church, under certain circumstances, to locate up to 50% of its required parking spaces off-site.

FINDINGS OF FACT**The Site and Surrounding Area**

1. The subject property is located at 130 14th Street, NE, at the intersection of 14th Street and Constitution Avenue, NE, Square 1034, Lot 824. It is within the Capitol Hill Historic District and is zoned R-4.
2. The property is at the apex of a triangular square with Constitution Avenue to the north, a public open space and 14th Street to the east, North Carolina Avenue to the south, and row houses to the west. (See, OP Report site drawing and photo, Exhibit 32, p. 2). The property is in North Lincoln Park, a predominantly residential community with a mixture of row houses and institutional uses.
3. The lot itself is an odd triangular shaped lot which is occupied by a two-story structure that is used as a church by the Brown Memorial Church (the Church). The structure is non-conforming with respect to lot occupancy (75%³) and rear yard (5 feet⁴).

The Church

4. The Church has a long history in the Capital Hill neighborhood, having been established about 125 years ago. The Church population is aging, with many congregants in their 80s. Some are blind, others are stroke victims or have other physical challenges.
5. The Church building consists of a sanctuary with a basement. The basement has a fellowship hall directly below the sanctuary and an extended area whose roof forms a patio above the fellowship hall.
6. The current Church building was constructed in 1959 and lacks the amenities of a modern church. There are no elevators or ramps, and ingress and egress is difficult for many of the congregants. Although the Church conducts seven Sunday school classes, it has no dedicated classrooms or meeting rooms. As a result, classes and meetings currently take place in an area of the basketball court, which is noisy and crowded. Moreover, the rest rooms in the basement are not readily accessible from the sanctuary above. They are located two landings down and across the length of the building from the main sanctuary.

³ The maximum lot occupancy in the R-4 zone is 60%. 11 DCMR § 403

⁴ The minimum required rear yard in the R-4 zone is 20 feet. 11 DCMR § 404

BZA APPLICATION NO. 17846**PAGE NO. 4****The Project**

7. The Church proposes to resolve these problems by expanding the Church building with an addition. The addition will, for the most part, be built over the footprint of the existing elevated patio that fronts along the North Carolina Avenue side of the Church. (Exhibit 30, Tabs C & D and Exhibit 31).

8. According to the Church's architect, the shape of the lot constrains the Church's ability to expand to the rear or the side of the building without eliminating or reducing the existing parking. Because the odd shape of the lot does not allow for design flexibility; the addition has to be spread out over the patio area. (OP Report, Exhibit 32).

9. The addition will result in the transformation of the patio into a two story building and will house a multi-purpose room, restrooms, and an audio video room on the first floor, and office rooms and a conference room on the second floor. The existing basement space under the patio will be converted from a series of office rooms to include a fellowship hall, a kitchen facility, multiple meeting rooms, office space, and restrooms.

10. The proposal also calls for access ramps and stairs to the entrance points along the front, back, and sides of the Church. The stairs along 14th Street will extend seven feet into public open space consisting of parkland, and the proposed extension along North Carolina Avenue will extend seven to ten feet into the public space. The Church represents that it will seek the necessary approvals to extend into the public space.

11. Because the property is within a historic district, any building permit to alter the building must be approved by the Mayor or his agent. Prior to this review, the permit is referred to the Historic Preservation Review Board (HPRB) for a non-binding recommendation. In this instance, the Applicant requested the HPRB to review its design in concept. On or about March 27, 2008, the HPRB indicated that it would be prepared to make a recommendation of approval if the Church retained an existing porch which presently encroaches onto the parkland. The retention of the porch ensures that the character of the building, when expanded, will not be changed. However, in order to abide by the HPRB condition, the proposed stairs at that side of the building must be constructed outside of the porch, causing an additional encroachment of six feet into the public space.

12. Because the parking requirement for a church is based upon the number of seats in its sanctuary, 11 DCMR 2101.1, and because the sanctuary is not being expanded, no additional parking will be required as a result of this proposal. However, the proposed addition will result in a loss of 2 of the Church's 10 required parking spaces. The Church represented that these spaces will be located off-site which is permitted for places of worship by 11 DCMR § 2116.3. That provision includes a number of prerequisites that the Church will need to satisfy in order for the Zoning Administrator to clear a building permit for issuance.

BZA APPLICATION NO. 17846**PAGE NO. 5**

13. The proposed expansion is modest in scope, and no more than what is necessary for the Church to fulfill its mission. When complete, the addition will result in expanded space to accommodate the Church's community outreach ministries, provide additional classrooms, provide expanded and additional administrative offices, and provide elevators and ramps for handicapped access. (Exhibit 30 and OP Report, Exhibit 32).

The Zoning Relief

14. The church building, when expanded, will cover 81% of the lot. As explained previously, because the maximum lot occupancy in the R-4 zone is 60%, the Church requires a variance from the lot occupancy requirements under § 403.2 of the Regulations.

15. The church building, when expanded, will have no rear yard. Because the minimum required rear yard in the R-4 zone is 20 feet, the Church also requires a variance from the rear yard requirements under § 404 of the Regulations.

16. Because the Church proposes to enlarge the existing non-conforming building in a manner which increases the non-conforming lot occupancy and non-conforming rear yard, the Church also requires a variance under § 2001.3 of the Regulations.

The Impact of the Proposed Addition

17. The Board finds that the proposed addition will not adversely affect the traffic or parking conditions in the neighborhood. The new addition merely creates auxiliary spaces to serve the existing congregants and does not increase the intensity of use. (DDOT Report, Exhibit 36). No new programmatic activities will take place in the expanded facility. The additional space or rooms will allow the Church to more efficiently and effectively accommodate its current activities. (OP Report, Exhibit 32). Moreover, there is no requirement for additional parking since the sanctuary is not being expanded, *see*, § 2101 of the Regulations, and the displacement of the existing parking spaces will not adversely impact neighborhood parking or traffic.

18. The Board finds that the proposed addition will not deprive neighboring property owners of light and air, as the expansion will occur in an area of the Church which is set back from the building on the adjacent property. (OP Report, Exhibit 32).

19. The Board finds that the Church with the proposed addition will be compatible with the neighborhood and the zone plan will not be compromised. Churches are allowed as a matter-of-right in the R-4 zone, and the expanded Church building will remain well within the permitted height and density for the zone. Also, the width of the building will be consistent with the existing row houses in the North Lincoln Park neighborhood, and most of the expansion will occur over a preexisting elevated patio footprint, resulting in a visual impact which will be *de minimus*. (Exhibit 30). Moreover, the lack of a rear yard will not be inconsistent with the land use pattern along North Carolina Avenue, as most of the other buildings are also built to the property line. (OP Report, Exhibit 32).

BZA APPLICATION NO. 17846
PAGE NO. 6

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799), as amended; D.C. Official Code § 6-641.07(g)(3)(2001), to grant variances from the strict application of the Zoning Regulations. As stated above, the applicant here seeks relief from the lot occupancy requirements under § 403, the rear yard requirements under § 404, and the non-conforming structure provisions under § 2001.3 to allow an addition to an existing church building.

Under the three-prong test for area variances set out in 11 DCMR § 3103.2, an applicant must demonstrate that (1) the property has an exceptional size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulty if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the public good or the zone plan. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove “practical difficulties,” an applicant must demonstrate first, that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *Id.* at 1170.

As to the first prong, the Board finds that the Church’s programmatic needs and its historical commitment to remain at the site, constitute an exceptional condition at the property. The Church has remained on this site for over 100 years, but finds that it can no longer effectively carry out its religious and social programs without the expansion requested.

The Board recently found an exceptional condition under virtually identical circumstances in the *Application No. 17609 of First Baptist Church, Inc.*, 55 DCR 3345 (2008). There, as here, the applicant requested a variance in order to add an addition to facilities that could no longer accommodate the church’s programmatic needs. The decision noted that its finding was consistent with local appellate case law.

In *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091 (1979), the Court of Appeals upheld use and area variances needed to allow the expansion of the Capitol Hill offices of the Republican National Committee. Among other things, the *Monaco* decision held that the needs of a non-profit group to expand its facilities may constitute the extraordinary and exceptional situation needed to satisfy the first prong. *Id.* at 3350. *Accord District of Columbia Bd. of Zoning Adjustment*, 582 A.2d 949 (DC 1990) (variance properly granted to permit the expansion of an overcrowded university medical office building).

Furthermore, an exceptional condition can also be found in the fact that the existing building is a historic building situated on a triangular shaped lot. Because of the historic nature of the property, the Church is constrained in its ability to demolish all or part of the existing building. Because of the triangular shaped lot, the Church is unable to expand to the side or the rear, without eliminating the on-site parking. Accordingly, for the most part, the Church must expand over the existing patio.

BZA APPLICATION NO. 17846
PAGE NO. 7

As to practical difficulty, the Court of Appeals explained how the test may be applied to a non-profit, such as the Church.

The need to expand does not, however, automatically exempt a public service organization from all zoning requirements. Where a public service organization applies for an area variance in accordance with *Monaco*, it must show (1) that the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought.

Draude v. District of Columbia Bd. of Zoning Adjustment, 527 A.2d 1242, 1256 (DC 1979)

Both elements of this test are met here. The Church needs adequate meeting rooms and classrooms in order to fulfill its mission. (Findings of Fact 6, 7 and 9). Also, the Church must remove architectural barriers in order to meet the needs of an aging congregation. (Findings of Fact 4 and 6). Requiring the Church to adhere to the strict application of the Regulations would result in the Church being unable to provide handicap access, as the addition allows for elevators and ramps to make the entire building accessible to everyone.

Turning to the third prong of the variance test, the Board concludes that the expansion will not result in substantial detriment to the public good. As explained, the expansion will not adversely affect the neighboring property owners' access to light and air. (Finding of Fact 18). Nor will the expansion have any significant transportation impacts on the neighborhood. (Finding of Fact 17). Finally, the expansion will not substantially impair the intent, purpose, and integrity of the zone plan. (Finding of Fact 19).

Section 13(b) (d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10 (d)(3)(B)) requires that the Board's written orders give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. Specifically:

The written rationale of the decision shall articulate with particularity and precision the reasons why the Commission does or does not offer persuasive advice under the circumstances. In so doing, the government entity must articulate specific findings and conclusions with respect to each issue and concern raised by the Commission. Further, the government entity is required to support its position on the record.

As noted, the ANC opposed the application, raising concerns that (1) "the application was incomplete" because the Church did not seek a parking variance; and, (2) the Church "does not meet [its] burden of proof for an area variance".

With respect to the parking requirements, the ANC claims that the proposed addition will reduce the number of parking spaces by one or two spaces, and the Church will not have the ten parking

BZA APPLICATION NO. 17846
PAGE NO. 8

spaces on-site which are required under § 2101.1 of the Regulations. However, as this application is self-certified and does not include a request for parking relief, this issue is not even before the Board. The Church believes that it will be able to continue to satisfy its parking requirement of ten spaces by providing two of them off-site in accordance with 11 DCMR § 2216.3. Should it turn out that the Church is mistaken, no building permit will issue unless and until a parking variance is granted. Under either scenario, the ANC's concerns will be addressed.

Regarding the legal requirements for an area variance, the ANC claims that the addition "is not required by an exceptional or extraordinary situation or condition", the lack of an addition "will not present a difficulty for the applicant's expressed desire to expand its community outreach ministries, provide classrooms for Sunday School purposes, and provide church administrative offices and conference rooms" and, "the addition ... is detrimental to the public good because [it will] encroach onto parkland". Since this aspect of the ANC's issues and concerns is essentially an assertion that the application is without merit, the Board need not repeat its reasons for concluding otherwise, but will refer the ANC to the preceding discussion, which contains "specific findings and conclusions with respect to each issue and concern raised by the Commission." D.C. Official Code § 1-309.10 (d)(3)(B).

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is hereby **GRANTED** to allow zoning relief from the requirements under § 403, § 404, and § 2001.3 pertaining to lot occupancy, rear yard and non-conforming structures, to allow the construction of the proposed addition.

VOTE: 5-0-0 (Ruthanne G. Miller, Marc D. Loud, Mary Oates Walker, Shane L. Dettman and Anthony J. Hood to grant)

Vote taken on November 25, 2008

ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this Decision and Order.

ATTESTED BY: _____
RICHARD S. NERO, JR.
Acting Director, Office of Zoning

FINAL DATE OF ORDER: JUNE 15, 2009

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

BZA APPLICATION NO. 17846
PAGE NO. 9

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17866 of Associates for Ideal Education, Inc., pursuant to 11 DCMR § 3104.1, for a special exception to establish a private school (60 students, pre-K through 8th grade, and 10 staff) under section 206 and a special exception from the requirements of subsection 1553.2 under the Sixteenth Street Heights Overlay District, in the R-1-B District at premises 1501 Gallatin Street, N.W. (Square 2714, Lots 804 and 805).¹

HEARING DATE: June 2, 2009

DECISION DATE: June 9, 2009

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit 6).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 4C, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C submitted a letter in support of the application. The ANC's report indicated that, at a duly noticed public meeting at which a quorum was present, the vote was 7 to support the application, 1 in opposition, with 1 abstention (Exhibit 42). The Office of Planning (OP) also submitted a report recommending approval of the application with conditions (Exhibit 29).² The District Department of Transportation (DDOT) also filed a report in support of the applications with conditions (Exhibit 30).³ At the hearing the Board heard testimony from the ANC Single Member District member in support as well as six other witnesses in support of the application. One witness testified in opposition. Fifteen letters of

¹ The Applicant amended the application by reducing the request for an increase in students from 80 to 60. Also, on June 2, 2009, the application was amended to include special exception relief from the requirements of subsection 1553.2 under the Sixteenth Street Heights Overlay District (SSH Overlay). From the time the Applicant filed its case to when the case was heard and decided, the SSH Overlay had been expanded by the Zoning Commission in ZC No. 08-09 to include the area in which the Applicant's school is located.

² The OP report indicated that the Applicant currently operates a child development center at the site with a maximum of 40 children under a Certificate of Occupancy dated August 3, 2004. Approval of the application would add a private school use and increase the total number of students by 20, from 40 to 60, for both uses at the site.

³ In its report, DDOT recommended that the Board require the Applicant to file a Transportation Management Plan (TMP). The Applicant submitted a Transportation Management Plan (TMP) which the Board has incorporated by reference in the conditions to this order (Exhibit 28).

BZA APPLICATION NO. 17866**PAGE NO. 2**

support (Exhibits 34 and 38) and three letters of opposition (Exhibits 35, 39, and 41) also were received.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception pursuant to 11 DCMR §§ 3104.1, 206, and subsection 1553.2. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3104.1 for a special exception under section 206 and subsection 1553.2, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that the application (pursuant to Exhibits 12 and 28 – PLANS) be **GRANTED AS CONDITIONED**:

1. The total occupancy of the site for the private school and child development center use shall not exceed 60 students and 10 staff.
2. The Applicant shall share its intermodal split data with the District's Department of Transportation, Policy and Planning staff and ANC 4C every 12 months.
3. The Applicant shall comply with the requirements for screening, parking, and lighting that are located in subsection 1553.2 of the Zoning Regulations, including ensuring that direct rays of all lighting are confined to the surface of the parking area.
4. The Applicant shall implement the Transportation Management Plan (TMP) that is located in Exhibit 28 of the record.

VOTE: **3-0-2** (Shane L. Dettman, Marc D. Loud, and Peter G. May to approve; no other members present or voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved issuance of this order.

FINAL DATE OF ORDER: JUNE 12, 2009

BZA APPLICATION NO. 17866

PAGE NO. 3

UNDER 11 DCMR § 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL BECOME EFFECTIVE UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17880 of Progressive National Baptist, pursuant to 11 DCMR § 3104.1, for a special exception a private school (200 students, grades nursery through 6th) under section 206, in the R-5-A District at premises 601 50th Street, N.E. (Square 5194, Lot 824).¹

HEARING DATES: February 24 and June 9, 2009

DECISION DATE: June 9, 2009 (Bench Decision)

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief (Exhibit 17).

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 7C, and to all owners of property within 200 feet of the property that is the subject of this application. The subject property is located within the jurisdiction of ANC 7C, which is automatically a party to this application. While the Board did not receive a formal report from the ANC to which it could give great weight pursuant to Section 3115.1², the Board did receive a letter of support from the Chair of ANC 7C indicating support of the application (Exhibit 33). At the hearing, the Office of Planning (OP) gave its support for the application of the school. Previously, OP had submitted a report in which it indicated that it could not make a recommendation until it received additional information (Exhibit 30).³ Councilmember Yvette Alexander (Ward 7), who represents the Ward in which the school is located, submitted a letter in support of the application (Exhibit 34).

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special

¹ The Applicant amended the application by reducing the number of students from 300 to 200 and by indicating that the grades in the school would be nursery to sixth grade.

² The Applicant testified that the ANC was scheduled to consider the application at its June 11, 2009 public meeting, two days after the Board hearing and decision.

³ OP had indicated that it needed additional information before it could make a recommendation, including:

1. An inventory of current land uses and conforming parking resources on-site; and
2. A table and site plan that explains where the parking required for existing and proposed uses would be located on the site.

OP gave its cautious support for the application after the Board clarified that the application was strictly limited to the expansion of the school's enrollment and did not involve other uses on the site.

BZA APPLICATION NO. 17880**PAGE NO. 2**

exception pursuant to 11 DCMR §§ 3104.1 and 206. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board closed the record at the conclusion of the hearing. Based upon the record before the Board, and having given great weight to OP, the Board concludes that the Applicant has met the burden of proof pursuant to 11 DCMR § 3104.1 for a special exception under § 2514.2, and that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirements of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED** that the application be **GRANTED AS CONDITIONED**:

1. The Applicant shall designate 26 parking spaces for the exclusive use of the school.

VOTE: **3-0-2** (Shane L. Dettman, Anthony J. Hood, and Marc D. Loud, to approve; no other members present or voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of Board members approved issuance of this order.

FINAL DATE OF ORDER: JUNE 12, 2009

UNDER 11 DCMR § 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL BECOME EFFECTIVE UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION

BZA APPLICATION NO. 17880

PAGE NO. 3

FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**ZONING COMMISSION ORDER NO. 06-14A****Z.C.CASE NO. 06-14A****MRP Realty, LLC****Two-Year Time Extension for PUD at Florida and New York Avenues, N.E.****(Square 3584, Lots 23, 811, 812 and 813)****June 8, 2009**

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on June 8, 2009. At the meeting, the Commission approved a request from MRP Realty, LLC (the "Applicant") for a time extension for an approved planned unit development ("PUD") for property consisting of Lots 23, 811, 812 and 813 in Square 3584 ("the Subject Property"), pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2408.10 of the Zoning Regulations.

FINDINGS OF FACT

1. By Zoning Commission Order No. 06-14, the Commission approved on the Subject Property a PUD with residential, hotel, office, and retail uses. The PUD consists of two buildings. One building will have approximately 229,690 square feet of gross floor area devoted to residential use and approximately 120,443 square feet of gross floor area devoted to hotel use. Eight percent of the residential floor area will be reserved for persons whose income does not exceed 80% of the area median income. The second building will have approximately 601,896 square feet of gross floor area devoted to office use. The PUD will have approximately 7,000 square feet of retail, primarily fronting on Florida Avenue. The floor area ratio ("FAR") for the project is approximately 7.06 and the maximum height is 130 feet.
2. Zoning Commission Order No. 06-14 became effective upon its publication in the District of Columbia Register on June 29, 2007. Pursuant to Condition No. 18 of that order and 11 DCMR § 2408.8, the Commission's approval was valid for a period of two years. If no application for a building permit or motion for a time extension was filed within that timeframe, the PUD approval would expire. By letter dated and received by the Commission on April 9, 2009, the Applicant filed a request to extend the validity of the PUD approval for a period of two years, such that an application for a building permit must be filed no later than June 29, 2011, and construction must commence no later than June 29, 2012.
3. The letter indicates that the project has experienced delay beyond the Applicant's control. In this case, the Subject Property has been cleared and is ready for development. However, due to the present economic climate, the Applicant has been unable to obtain sufficient financing for the construction of the approved project. The financial crisis has frozen the credit markets, making construction loans for real estate development projects extremely difficult to obtain. The difficulties in the credit markets are further exacerbated by the oversupply of multifamily units and office space – two of the three uses proposed for the PUD. Due to the interconnected nature of the mixed-use development, the inability to secure financing for any component of the PUD severely compromises the ability to develop

Z.C. ORDER NO. 06-14A
Z.C. CASE NO. 06-14A
PAGE 2

the other components of the project. The apartment and hotel components must be constructed simultaneously, and these two uses must be developed prior to or concurrent with the office component.

4. The only other party to this application was Advisory Neighborhood Commission ("ANC") 5C. The Applicant served a copy of its request on ANC 5C, which did not submit a response regarding the Applicant's request.

CONCLUSIONS OF LAW

1. Pursuant to § 2408.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expiration of the approval. Section 2408.11 provides that an extension of the validity of a PUD may be granted by the Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.
2. The Commission concludes that the application complied with the notice requirements of 11 DCMR § 208.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.
4. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a). Specifically, the Applicant has been unable to obtain sufficient project financing for the PUD, following the Applicant's diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant's reasonable control.
5. Section 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The hearing shall be limited to the specific and relevant evidentiary issues in dispute.
6. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.

Z.C. ORDER NO. 06-14A

Z.C. CASE NO. 06-14A

PAGE 3

7. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

1. In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application for a two-year time extension of the PUD approved in Zoning Commission Case No. 06-14.
2. The final PUD approved by the Commission shall be valid until June 29, 2011, within which time an application must be filed for a building permit, as specified in Section 2409.1 of the Zoning Regulations. Construction must commence no later than June 29, 2012. If both actions do not occur by the dates specified, the PUD. Failure to take these actions will result in the expiration of the PUD approval as of the applicable date.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On June 8, 2009, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, this Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Peter G. May, and Michael G. Turnbull to adopt; Konrad S. Schlater, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on June 19, 2009.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-24B
Z.C. CASE NO. 06-24B
DCO Realty, Inc.
Two-Year Time Extension for PUD at 2400 14th Street, N.W.
(Square 2661, Lot 219)
June 8, 2009

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on June 8, 2009. At the meeting, the Commission approved a request from DCO Realty, Inc. (the "Applicant") for a time extension for an approved planned unit development ("PUD") for property consisting of Lot 219 in Square 2661 (the "Subject Property"), pursuant to Chapters 1 and 24 of the District of Columbia Zoning Regulations. The Commission determined that this request was properly before it under the provisions of § 2408.10 of the Zoning Regulations.

FINDINGS OF FACT

1. By Zoning Commission Order No. 06-24, the Commission approved on the Subject Property a mixed-use PUD with retail and service uses at the ground level and an apartment house, including affordable units on the upper floors. The floor area ratio ("FAR") for the PUD will be a maximum of 6.0; and the building will have nine floors and a maximum height of 90 feet. The project also includes a two-level underground parking garage for the residential units with approximately 158 parking spaces and 18 surface retail parking spaces. The parking and service loading areas will have access from the two-way, 20-foot public alley on the west side of the Property.
2. Corrected Order No. 06-24 became effective upon its publication in the District of Columbia Register on April 20, 2007. Pursuant to Condition No. 12 of that order and 11 DCMR § 2408.8, the Commission's approval was valid for a period of two years. If no application for a building permit or a request for a time extension was filed within that period, the PUD approval would expire. By letter dated and received by the Commission on April 14, 2009, the Applicant filed a request to extend the validity of the PUD approval for a period of two years, such that an application for a building permit must be filed no later than April 20, 2011, and construction must commence no later than April 20, 2012.
3. The letter indicates that the project has experienced delay beyond the Applicant's control. In this case, the Subject Property has been cleared and is ready for development. However, due to the present uncertain economic climate, the Applicant has been unable to obtain sufficient financing for the construction of the approved project. The financial crisis has frozen the credit markets, forcing the Applicant to pursue funding from sources other than traditional lending institutions, including institutional investors, pension funds and others. As of the date of the letter, a financial package sufficient to support the project had not come to fruition.
4. The only other party to this application was Advisory Neighborhood Commission ("ANC") 1B. The Applicant served a copy of its request on ANC 1B, which did not submit a response regarding the Applicant's request.

Z.C. ORDER NO. 06-24B
Z.C. CASE NO. 06-24B
PAGE 2

CONCLUSIONS OF LAW

1. Pursuant to § 2408.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expiration of the approval. Section 2408.11 provides that an extension of the validity of a PUD may be granted by the Commission for good cause shown if an applicant has demonstrated with substantial evidence one or more of the following criteria: (a) an inability to obtain sufficient project financing for the PUD, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control; (b) an inability to secure all required governmental agency approvals for a PUD by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or (c) the existence of pending litigation or such other condition or factor beyond the applicant's reasonable control which renders the applicant unable to comply with the time limits of the PUD order.
2. The Commission concludes that the Applicant complied with the notice requirements of 11 DCMR § 2408.10(a) by serving all parties with a copy of the application and allowing them 30 days to respond.
3. The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.
4. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by 11 DMCR § 2408.11(a). Specifically, the Applicant has been unable to obtain sufficient project financing for the PUD, following the Applicant's diligent good faith efforts, because of changes in economic and market conditions beyond the Applicant's reasonable control.
5. Section 2408.12 of the Zoning Regulations provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in § 2408.11. The hearing shall be limited to the specific and relevant evidentiary issues in dispute.
6. The Commission concludes a hearing is not necessary for this request since there are not any material factual conflicts generated by the parties concerning any of the criteria set forth in § 2408.11 of the Zoning Regulations.
7. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

1. In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the application

Z.C. ORDER NO. 06-24B

Z.C. CASE NO. 06-24B

PAGE 3

for a two-year time extension of the PUD approved in Zoning Commission Case No. 06-24.

2. The final PUD approved by the Commission shall be valid until April 20, 2011, within which time an application must be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations. Construction must commence no later than April 20, 2012.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicants to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

On June 8, 2009, upon the motion of Chairman Hood, as seconded by Commissioner Keating, this Order was **ADOPTED** by the Zoning Commission at its public meeting by a vote of 4-0-1 (Anthony J. Hood, William W. Keating, III, Peter G. May, and Michael G. Turnbull to adopt; Konrad S. Schlater, not present, not voting).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on June 19, 2009.

**OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES
PUBLICATIONS PRICE LIST**

DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS (DCMR)

TITLE	SUBJECT	PRICE
1	DCMR MAYOR AND EXECUTIVE AGENCIES (JUNE 2001)	\$16.00
3	DCMR ELECTIONS & ETHICS (MARCH 2007)	\$20.00
4	DCMR HUMAN RIGHTS (MARCH 1995)	\$13.00
5	DCMR BOARD OF EDUCATION (DECEMBER 2002)	\$26.00
6A	DCMR POLICE PERSONNEL (JUNE 2007)	\$8.00
7	DCMR EMPLOYMENT BENEFITS (JANUARY 1986)	\$8.00
8	DCMR UNIVERSITY OF THE DISTRICT OF COLUMBIA (JUNE 1988)	\$8.00
9	DCMR TAXATION & ASSESSMENTS (APRIL 1998)	\$20.00
10	DCMR DISTRICT'S COMPREHENSIVE PLAN (PART 1, OCTOBER 2007)	\$70.00
	+ \$10.00 for postage	
10	DCMR PLANNING & DEVELOPMENT (PART 2, MARCH 1994) w/1996 SUPPLEMENT*	\$26.00
11	DCMR ZONING (FEBRUARY 2003)	\$35.00
12	DCMR 2008 CONSTRUCTION CODES SUPPLEMENT (pub. JANUARY 2009)	\$25.00
13B	DCMR BOILER & PRESSURE VESSEL CODE (MAY 1984)	\$7.00
14	DCMR HOUSING (DECEMBER 2004)	\$25.00
15	DCMR PUBLIC UTILITIES & CABLE TELEVISION (JUNE 1998)	\$20.00
16	DCMR CONSUMERS, COMMERCIAL PRACTICES & CIVIL INFRACTIONS (JULY 1998)	\$20.00
17	DCMR BUSINESS, OCCUPATIONS & PROFESSIONS (MAY 1990)	\$26.00
18	DCMR VEHICLES & TRAFFIC (APRIL 1995) w/1997 SUPPLEMENT*	\$26.00
19	DCMR AMUSEMENTS, PARKS & RECREATION (JUNE 2001)	\$26.00
20	DCMR ENVIRONMENT - CHAPTERS 1-39 (FEBRUARY 1997)	\$20.00
20	DCMR ENVIRONMENT - CHAPTERS 40-70 (FEBRUARY 1997)	\$26.00
21	DCMR WATER & SANITATION (FEBRUARY 1998)	\$20.00
22	DCMR PUBLIC HEALTH & MEDICINE (AUGUST 1986)	\$26.00
22	DCMR HEALTH CARE & COMMUNITY RESIDENCE FACILITIES SUPPLEMENT (AUGUST 1986 - FEBRUARY 1995)	\$13.00
23	DCMR ALCOHOLIC BEVERAGES (JANUARY 2009)	\$10.00
24	DCMR PUBLIC SPACE & SAFETY (DECEMBER 1996)	\$20.00
25	DCMR FOOD AND FOOD OPERATIONS (AUGUST 2003)	\$20.00
26	DCMR INSURANCE (FEBRUARY 1985)	\$9.00
27	DCMR CONTRACTS AND PROCUREMENT (JULY 1988)	\$22.00
28	DCMR CORRECTIONS, COURTS & CRIMINAL JUSTICE (AUGUST 2004)	\$10.00
29	DCMR PUBLIC WELFARE (MAY 1987)	\$8.00
30	DCMR LOTTERY AND CHARITABLE GAMES (MARCH 1997)	\$20.00
31	DCMR TAXICABS & PUBLIC VEHICLES FOR HIRE (JULY 2004)	\$16.00

Publications Price List (Continued)**OTHER PUBLICATIONS**

2000 – 2005 Indices	\$40.00 + \$10.00 postage
1994 - 1996 Indices.....	\$52.00 + \$10.00 postage
1997 - 1998 Indices.....	\$52.00 + \$10.00 postage
Complete Set of <i>D.C. Municipal Regulations</i>	\$665.00
D.C. Register (Single Copy)	\$16.00
Rulemaking Handbook & Publications Style Manual (1983).....	\$5.00
D.C. Comprehensive Plan Maps	\$5.00
D.C. Comprehensive Plan CDs	\$10.00
*Supplements to D.C. Municipal Regulations.....	\$5.00

MAIL ORDERS: Send exact amount in check or money order made payable to the D.C. Treasurer.
Specify title and subject. Send to: D.C. Office of Documents and Administrative Issuances, Room 520,
One Judiciary Square, 441 - 4th St., N.W., Washington, D.C. 20001. Phone: 727-5090

OVER THE COUNTER SALES: Come to Rm. 520, One Judiciary Square., Bring check or money order.

All sales final. A charge of \$65.00 will be added for any dishonored check (D.C. Law 4-16)